

AUSTIN CITY CLERK
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Zoning Case No. C14-2012-0075

RESTRICTIVE COVENANT

OWNER: Jack W. Anderson

ADDRESS: 2185 Mission Dam Road, St. Ignatius, MT 59864

OWNER: Helen M. Detert

ADDRESS: 2185 Mission Dam Road, St. Ignatius, MT 59864

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: 6.620 acre tract of land out of the Santiago Del Valle Grant, Abstract No. 24, said 6.620 acre tract of land being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant.

WHEREAS, the Owner (the "Owner", whether one or more), of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant ("Agreement"). These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. Owner agrees to reserve 200 feet of right-of-way from existing centerline of State Highway 71 for future right-of-way, under Sections 25-6-51 through 25-6-54 in chapter 25-6 of the City Code. A building or structure may not be erected nor may improvements be made within the reserved right-of-way as determined by the Planning and Development Review Department, except as otherwise authorized by the City of Austin.
2. If any person or entity shall violate or attempt to violate this Agreement, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such Agreement, to prevent the person or entity from such actions, and to collect damages for such actions.

#101
10-11-12

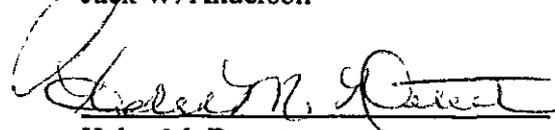
3. If any part of this Agreement is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this Agreement, and such remaining portion of this Agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this Agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This Agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property, or a portion of the Property, subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 04 day of September, 2012.

OWNER:

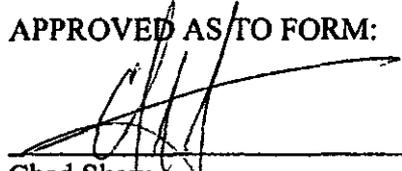


Jack W. Anderson 10/1/12



Helen M. Detert

APPROVED AS TO FORM:



Chad Shaw
Assistant City Attorney
City of Austin

THE STATE OF TEXAS

§

COUNTY OF HAYS

§

§

This instrument was acknowledged before me on this the 2nd day of October, 2012, by Jack W. Anderson.



Musheerah N. Murphy
Notary Public, State of TEXAS

THE STATE OF MONTANA

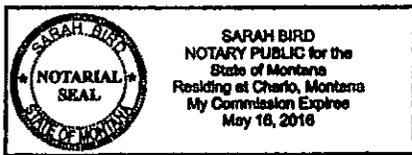
§

COUNTY OF LAKE

§

§

This instrument was acknowledged before me on this the 21st day of September, 2012, by Helen M. Detert.



Sarah Bird
Notary Public, State of MONTANA

After Recording, Please Return to:
City of Austin
Law Department
P. O. Box 1088
Austin, Texas 78767
Attention: J. Collins, Paralegal

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT, ABSTRACT 24, SITUATED IN TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING ALL OF THAT CERTAIN 6.63 ACRE TRACT OF LAND DESCRIBED IN A DEED TO JACK W. ANDERSON AND HELEN M. DETERT, IN DOCUMENT NUMBER 2004026582, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID TRACT BEING 6.620 ACRES OF LAND, MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at an iron rod found in the north right-of-way line of State Highway No. 71, at the southwest corner of a 17.44 acre tract of land conveyed to Keller Family Investments in Vol. 6767, Pg. 1433, being also the southeast corner of that said 7.63 acre tract of land, for the **POINT OF BEGINNING** of the herein described 6.623 acre tract of land,

THENCE, with the south line of said Jack Anderson tract, also being the north right-of-way line of said State Highway No. 71, the following two (2) courses and distances, numbered 1 and 2,

1. N81°13'26"W, a distance of 42.81 feet to a concrete monument found, and
2. N57°40'13"W, a distance of 15.74 feet to a capped iron rod found, for the southernmost southwestern corner of said Jack Anderson tract, common to the southernmost corner of a 1.00 acre tract conveyed to James D. Welborn et al, in Document No. 2007062142, Official Public Records of Travis County, Texas, and also being in the northern right-of-way line of said SH 71,

THENCE, with the common boundary line of said Jack Anderson tract and said 1.00 acre tract, the following two (2) courses and distances, numbered 1 and 2,

1. N45°08'45"E, a distance of 175.54 feet to a ½" iron rod found, and
2. N44°47'33"W, a distance of 220.32 feet to a capped ½" iron rod set in the eastern line of a 1.377 acre tract conveyed to Karen Brisco in Document No. 2009163967, Official Public Records of Travis County, Texas, common to the westernmost corner of said Jack Anderson tract,

THENCE, with the common boundary line of said Jack Anderson tract and said 1.377 acre tract, N45°10'49"E, a distance of 217.43 feet to a 1/2" iron rod found, at the southeastern corner of a 12.285 acre tract conveyed to Najib F. Wehbe, Charlice Ann Abeyta, and Robert Roy Gilstrap in Document No. 2008015170, Official Public Records of Travis County, Texas, common to the easternmost corner of said 1.377 acre tract, also being in the western line of said Jack Anderson tract,

THENCE, with the western line of said Jack Anderson tract, common to eastern line of said 12.285 acre tract, N45°10'15"E, at 433.26 pass a metal fence post found at the high bank of the Colorado River, in all, a total distance of 598.34 feet to a calculated point in the south bank of the Colorado River, for the northernmost corner of said Jack Anderson tract, common to the northeastern corner of said 12.285 acre tract,

THENCE, with the north line of said Jack Anderson tract, being the south bank of the Colorado River, the following two (2) courses and distances, numbered 1 and 2,

1. S57°46'36"E, a distance of 155.01 feet to a calculated point, and
2. S57°56'36"E, a distance of 245.07 feet to a calculated point,

THENCE, with the west line of said Keller Family Investments tract, being also the east line of said Anderson tract, the following four (4) courses and distances, numbered 1 through 4,

6.620 ACRES
SANTIAGO DEL VALLE GRANT, ABS NO. 24
TRAVIS COUNTY, TX
TITLE SURVEY

1. S44°52'43"W, a distance of 127.63 feet to an Iron rod found,
2. S45°16'20"W, a distance of 315.04 feet to a ½" capped iron rod found,
3. N44°56'21"W, a distance of 119.96 feet to a ½" capped iron rod found, and
4. S45°08'45"W, a distance of 609.99 feet to the POINT OF BEGINNING and containing 6.620 acres of land.

Surveyed by:

 22 JUN 2012

AARON V. THOMASON, R.P.L.S. NO. 6214
CARLSON, BRIGANCE, AND DOERING, INC.
5501 West William Cannon
Austin, TX 78749
Ph: 512-280-5160 Fax: 512-280-5165
aaron@cbdeng.com

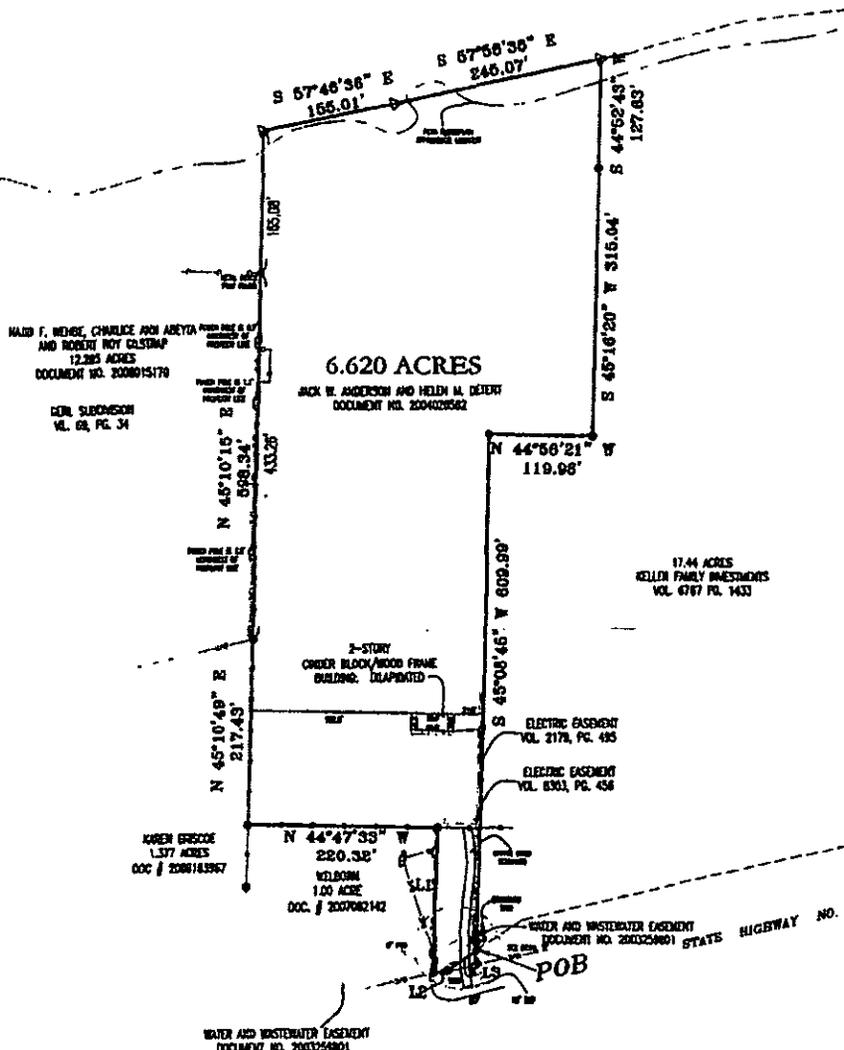


Bearing Basis is from the recorded deed 17.44 acres Vol. 6767, Pg. 1433

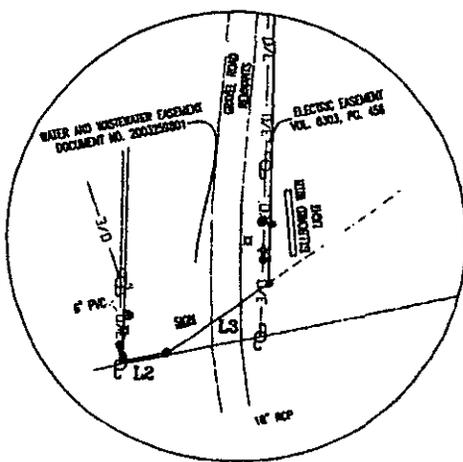
TITLE SURVEY OF 6.620 ACRES OF LAND, OUT OF THE SANTIAGO DEL VALLE GRANT, ABSTRACT 24, SITUATED IN TRAVIS COUNTY, TEXAS

C O L O R A D O R I V E R

- LEGEND**
- 1/2" IRON ROD FOUND
 - 1/2" IRON ROD SET
 - ⊙ IRON PIPE FOUND
 - ⊠ MONUMENT FOUND
 - △ CALCULATED POINT
 - (XXXX) RECORD INFORMATION
 - POB POINT OF BEGINNING
 - ⊖ POWER POLE
 - ⊕ FIRE HYDRANT
 - ⊗ WASTEWATER MANHOLE
 - ⊙ GUY POLE
 - ⊕ WATER METER
 - ⊖ EOP EDGE OF PAVEMENT
 - OVERHEAD ELECTRIC LINE
 - CHAIN LINK FENCE



LINE	LENGTH	BEARING
L1	175.54	N45°08'45\"/>
L2	15.74	N57°40'13\"/>
L3	42.81	N81°13'28\"/>



DETAIL 'A'
1"=30'

TO: CHRIS VON DOWLEN, JACK W. ANDERSON AND HELEN M. DEETZ, AND TEXAS AMERICAN TITLE COMPANY
 TITLE COMMITMENT OF 8201-12-1089
 EFFECTIVE DATE: MAY 18, 2012

TITLE COMMITMENT OF 8201-12-1089

- THIS TRACT IS SUBJECT TO THE FOLLOWING TITLE EXCEPTIONS:
1. AN ELECTRIC EASEMENT GRANTED TO THE CITY OF AUSTIN BY INSTRUMENT FILED IN VOLUME 2178, PAGE 495, DEED RECORDS OF TRAVIS COUNTY, TEXAS - as shown on drawing
 2. AN ELECTRIC EASEMENT GRANTED TO THE CITY OF AUSTIN BY INSTRUMENT FILED IN DOCUMENT NO. 280325901, DEED RECORDS OF TRAVIS COUNTY, TEXAS - as shown on drawing
 3. A WATER AND WASTEWATER EASEMENT GRANTED TO THE CITY OF AUSTIN BY INSTRUMENT FILED IN VOLUME 6303, PAGE 456, DEED RECORDS OF TRAVIS COUNTY, TEXAS - as shown on drawing

STATE OF TEXAS
 COUNTY OF TRAVIS

I, the undersigned, do hereby certify that this survey was this day made on the ground of the property legally described herein and is correct, and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, liens and that said property has access to and from a dedicated roadway except as shown herein. The legally described property is within a special flood hazard area as designated by the Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary Map Number 58453C, (8/1/79) for Travis County, Texas, dated September 28, 2008.

Dated, this the 22nd day of JUNE, 2012.

Arnon V. Thorson
 ARNON V. THORSON - R.P.L.S. NO. 6214
 CARLSON, BRIGANCE, AND DOERING, P.C.
 6007 WEST MILHAM CANYON
 AUSTIN, TEXAS 78748
 cbr@cbding.com



ORIGINAL COPY VALID ONLY IF SEALED IN RED POC

BEARING BASIS: 17.44 ACRE TRACT CONVEYED IN VOL. 6767, PG. 1433

CBD Carlson, Brigance & Doering, Inc.

Civil Engineering Surveying
 5501 West Williams Canyon Austin, Texas 78749
 Phone No. (512) 280-5160 Fax No. (512) 280-5165

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Oct 26, 2012 02:45 PM

2012182000

HAYWOODK: \$40.00

Dana DeBeauvoir, County Clerk
Travis County TEXAS

Recorders Memorandum-At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.